

**IN THE CLAIMS**

1. (cancelled)

2. (currently amended) ~~The instrument of claim 1~~ An instrument for holding an intervertebral spacer, the instrument comprising:

a shaft having a proximal end forming a handle, and a distal end forming a claw subassembly;

said claw subassembly including a first pincer which is in a fixed position relative to said shaft at the distal end of the shaft and a second pincer which is pivotally coupled with said first pincer for rotating about a single point of rotation into and out of spacer holding association with said first pincer, wherein said second pincer is biased towards one of a spacer holding association position or out of a spacer holding association position; and

an actuation mechanism for selectively rotating said second pincer, wherein said first and second pincers have opposing inner curved surfaces that extend to a distal-most end of said instrument,

wherein said actuation mechanism comprises a sliding member mounted to said shaft which is selectively movable, by pushing, in at least a distal direction by a force sufficient to overcome the bias of said second pincer, and said second pincer includes a tapered surface which is contacted by a corresponding surface of the sliding member; said contacting causes said second pincer to pivot relative to said first pincer, wherein said second pincer is spring biased away from said first pincer.

3. (previously presented) The instrument of claim 2, wherein the distally directed movement of the sliding member thereby causing said second pincer to pivot toward said fixed first pincer, and the subsequent retraction of the sliding member in a proximal direction causes the sliding member to move

away from said second pincer so as to permit said pincers to separate under the bias of the spring.

4. (cancelled)

5. (currently amended) A combination including an instrument for holding an intervertebral spacer and the intervertebral spacer ~~the instrument of claim 1~~, the combination comprising:

The instrument comprising a shaft having a proximal end forming a handle, and a distal end forming a claw subassembly;

said claw subassembly including a first pincer which is in a fixed position relative to said shaft at the distal end of the shaft and a second pincer which is pivotally coupled with said first pincer for rotating about a single point of rotation into and out of spacer holding association with said first pincer, wherein said second pincer is biased towards one of a spacer holding association position or out of a spacer holding association position; and

an actuation mechanism for selectively rotating said second pincer, wherein said first and second pincers have opposing inner curved surfaces that extend to a distal-most end of said instrument,

wherein said actuation mechanism comprises a sliding member mounted to said shaft which is selectively movable, by pushing, in at least a distal direction by a force sufficient to overcome the bias of said second pincer, and said second pincer includes a tapered surface which is contacted by a corresponding surface of the sliding member; said contacting causes said second pincer to pivot relative to said first pincer.

the an ~~an~~ intervertebral spacer comprising a cylindrical member having an annular groove defining a central axial core

portion and a pair of flange portions at opposing ends thereof;  
and

said claw subassembly engages the spacer at the  
central axial core.

6. (previously presented) An intervertebral spacer  
grasping instrument, comprising:

a pair of pincers, a first of said pair being in a  
rigidly fixed position, and a second being pivotally coupled to  
said first pincer in one of an open-biased opposition or a  
closed opposition thereto such that said second pincer rotates  
about a single point of rotation, said first and second pincers  
having opposing inner curved surfaces that extend to a  
distal-most end of said instrument; and

a sliding element translatable into and out of contact  
with a tapered surface of said second pincer, the angle of said  
tapered surface, when contacted by said sliding element, causes  
said second pincer to close and open relative to said fixed  
first pincer, wherein said sliding element slides along a shaft  
of said instrument, said sliding element slidable by a pushing  
or pulling force applied to said sliding element.

7. (previously presented) The grasping instrument of  
claim 6, wherein:

said pair of pincers define an intervertebral spacer  
grasping enclosure having an access opening through which an  
intervertebral spacer can be passed for placement into the  
intervertebral spacer grasping enclosure when the sliding  
element is out of contact with said second pincer; and

said intervertebral spacer is securely maintained  
between said first and second pincers when the sliding element  
has been translated into contact with said second pincer.

8. (previously presented) The grasping instrument of claim 7, wherein said first and second pincers are mounted at the distal end of a common shaft, and the sliding element is translateable along said shaft, and wherein said second pincer has a portion thereof which is contacted by the sliding element to close said pair of pincers.

9. (previously presented) The grasping instrument of claim 8, wherein said second pincer is mounted to the common shaft by a pivot pin, and when said second pincer is contacted by the sliding element, said sliding element causes said second pincer to rotate about the pivot pin, closing said first and second pincers.

10. (currently amended) The instrument of claim 2~~1~~, further comprising a pin extending through said first and second pincers for pivotally coupling said first and second pincers.

11. (previously presented) The grasping instrument of claim 6, further comprising a pin extending through said first and second pincers for pivotally coupling said first and second pincers.

12. (currently amended) ~~The instrument of claim 1~~ An instrument for holding an intervertebral spacer, the instrument comprising:

a shaft having a proximal end forming a handle, and a distal end forming a claw subassembly;

said claw subassembly including a first pincer which is in a fixed position relative to said shaft at the distal end of the shaft and a second pincer which is pivotally coupled with said first pincer for rotating about a single point of rotation into and out of spacer holding association with said first pincer, wherein said second pincer is biased towards one of a

spacer holding association position or out of a spacer holding association position; and

an actuation mechanism for selectively rotating said second pincer, wherein said first and second pincers have opposing inner curved surfaces that extend to a distal-most end of said instrument,

wherein said actuation mechanism comprises a sliding member mounted to said shaft which is selectively movable, by pushing, in at least a distal direction by a force sufficient to overcome the bias of said second pincer, and said second pincer includes a tapered surface which is contacted by a corresponding surface of the sliding member; said contacting causes said second pincer to pivot relative to said first pincer, wherein said sliding element is translatable into and out of contact with said tapered surface of said second pincer.